

(Draft - Awaiting Formal Approval)  
**MINUTES OF THE**  
**ADMINISTRATIVE RULES REVIEW COMMITTEE**  
Monday, August 17, 2009 – 2:00 p.m. – Room C445 State Capitol

**Members Present:**

Sen. Howard A. Stephenson, Senate Chair  
Rep. Curtis Oda, House Chair  
Sen. Gene Davis  
Sen. Brent H. Goodfellow  
Sen. Mark B. Madsen  
Pres. Michael G. Waddoups  
Rep. James R. Gowans  
Rep. Rebecca D. Lockhart  
Rep. Carol Spackman Moss  
Rep. Merlynn T. Newbold

**Staff Present:**

Mr. Arthur L. Hunsaker, Policy Analyst  
Ms. Susan Creager Allred, Associate General Counsel  
Ms. Tracey Fredman, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Stephenson called the meeting to order at 2:13 p.m.

**MOTION:** Rep. Davis moved to approve the minutes of the July 14, 2009 meeting. The motion passed unanimously. Sen. Goodfellow and Pres. Waddoups were absent for the vote.

**2. State Implementation Plans and Local Government Regulations Regarding Emissions Inspections**

Rep. Lockhart introduced the issue.

Mr. Joe Chambers, Harris Preston & Chambers, explained his concerns with fines for emission testing violations assessed by the Weber-Morgan Health Department against his clients.

Mr. Craig Butters, Owner, SPS American Car Care Center, discussed penalties imposed by the Health Department and stated that the fines are incredibly high with no provisions in the ordinances to change a fine if there was an error.

Mr. Dave Hanline, Owner, Woodruff Auto, Inc., said he cannot afford the fines imposed and asked the Committee to put a cap on fines.

Mr. Gary House, Executive Director, Weber-Morgan Health Department, said that the IM Advisory Committee made recommendations to the Weber-Morgan Board of Health which made a final determination about what action needed to be taken. Mr. House also responded to committee members' questions about how the funds collected through fines are used.

Sen. Madsen said he would like figures of how much money is received.

Mr. Brian Cowan, Program Manager, Inspection and Maintenance Program, responded to questions about the number of inspections and audits done each year in Weber-Morgan County.

Mr. Chris Allred, Weber County Attorney, stated that he doesn't object to changes or caps on fines, but suggested additional input be sought from other objective parties.

Ms. Cheryl Heying, Director, Division of Air Quality, said that each county is responsible for their own inspection and maintenance programs. Ms. Heying also commented on updates on their website.

Mr. Fred Nelson, Assistant Attorney General, discussed the background of the state IM program and statutory authority given to individual counties throughout the state.

**MOTION:** Sen. Madsen moved to open a committee bill file to address both the fine issue and the waiver issue to accommodate citizens who have vehicles which are technically compliant with standards but cannot get their vehicle's computers to reset leading to error and unforeseen problems. The motion passed unanimously. Rep. Gowans and Rep. Moss were absent for the vote.

### **3. Medical Information Requested When Obtaining or Renewing a Driver License**

Sen. Davis introduced the issue.

Ms. Kim Gibb, Records Bureau Chief, Driver License Division, distributed and commented on the use of information obtained on the "Driver License Extension Application." Ms. Gibb said the information cannot be accessed without a court order.

Ms. Debbie Darger, Records Bureau Manager, Driver License Division, responded to committee members' questions about how the medical information obtained is used. She agreed to review the application and consider changes to address concerns expressed by committee members.

### **4. Committee Business**

Mr. Hunsaker distributed "Administrative Rules Review Committee Study Areas, 2009."

Future meetings were scheduled for Thursday, September 10, 2009 at 9:00 a.m. and Tuesday, September 22, 2009 at 9:00 a.m.

### **5. Adjourn**

**MOTION:** Sen. Davis moved to adjourn the meeting. The motion passed unanimously. Rep. Gowans and Rep. Moss were absent for the vote.

Chair Stephenson adjourned the meeting at 5:08 p.m.